

REMARKS

In the Office Action, the Examiner rejected claims 1-30 under 35 USC §103(a). These rejections are fully traversed below.

Claims 1, 4, 6, 15, 17, 22 and 24 have been amended to further clarify the subject matter regarded as the invention. In addition new claims 43-54 have been added to the application. Thus, claims 1-30 and 43-54 are now pending. In addition, a few minor amendments have been made to the specification to improve its form.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS 1-30 UNDER 35 USC §103(a)

In the Office Action, the Examiner rejected claims 1-20, 22 and 24-30 under 35 USC §103(a) as being unpatentable over Edgar et al. (U.S. Patent No. 5,848,395) in view of Miller (U.S. Patent No. 6,101,481); and rejected claims 21 and 23 under 35 USC §103(a) as being unpatentable over Edgar et al. in view of Miller and Ostro (U.S. Patent No. 6,445,976 B1). These rejections are fully traversed below.

Claim 1 pertains to a method for dynamically creating a schedule of timeslot segments for a plurality of routes and timeslots. Generally, claim 1 creates a set of schedulable timeslot segments for each of a set of routes for a selected day based on available route types obtained using a calendar and a template. Thereafter, an electronic storefront program can schedule at least one delivery stop "using one or more of the set of schedulable timeslot segments, the at least one delivery stop being for delivery of a product or service." Claim 1, lines 13-15.

Edgar et al. pertains to an appointment booking and scheduling system for booking appointment with operatives visiting customer sites. Although Edgar et al. makes reference to routes 31 in the database 10, these routes are NOT determined from available route type determined by a template, as is recited in claim 1. Indeed, Edgar et al. does not appear to provide any teaching or suggestion for available

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route types, let alone available route types determined by a template. The Examiner asserts that Miller discloses a template as recited in claim 1. Although Fig. 2 of Miller depicts a plan template for user input of text for a task, such a template is NOT able to determine available route types as recited in claim 1. Hence, even if Miller were to be combined with Edgar et al, the combination would fail to teach or suggest claim 1. In addition, it is submitted that one of ordinary skill in the art would not combine the appointment booking and scheduling system for operatives (e.g., service engineers) to visit customers as in Edgar et al. with the task management system for personnel of Miller. Still further, Ostro, which pertains to delivery of products for human consumption from a manufacturing center to a passenger carrying vehicle (e.g., airplane), is unable to overcome the deficiencies of Edgar et al. or Miller. Accordingly, it is submitted that claim 1 is patentably distinct from Edgar et al, alone or in combination with Miller and Ostro.

Claim 17 pertains to a computer readable medium that contains instructions for controlling a computer processor to dynamically create a schedule of timeslot segments for a plurality of routes and timeslots. The instructions cause performance of operations similar to the operations recited in claim 1. Hence, for reasons similar to those noted above with respect to claim 1, it is submitted that claim 17 is also patentably distinct from Edgar et al, alone or in combination with Miller and Ostro.

Claim 24 pertains to a computer-based home delivery scheduling system that makes use of a template, timeslots and available routes. Further, claim 24 recites "wherein the template is a master pattern from which a copy may be made to create a schedule" and "thereafter using the scheduled timeslot segments to schedule deliveries of products and services purchased at an electronic storefront." The plan template in Miller is not copied to create a schedule. Further, neither Edgar et al. nor Miller pertain to using scheduled timeslots segments to schedule deliveries of products and services purchased at an electronic storefront.

Based on the foregoing, it is submitted that claims 1, 17 and 24 are patentably distinct from Edgar et al, alone or in combination with Miller and Ostro.

In addition, it is submitted that dependent claims 2-16, 18-23 and 25-30 are also patentably distinct for at least the same reasons.

The additional limitations recited in the independent claims or the dependent claims need not be further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Edgar et al, alone or in combination with Miller and Ostro. For example, claim 21 recites that "a schedulable timeslot segment is allocated to an order to delivery groceries." Also, claim 22 recites that "the product or service was purchased at an online grocery store." As admitted on page 7 of the Office Action, "Edgar et al. does not explicitly disclose a schedulable timeslot segment is allocated to an order to deliver groceries, supporting the delivery of a product, and being associated with a distribution facility." Instead, the Examiner relies on Ostro to overcome the deficiencies of Edgar et al. and Miller. Ostro describes a system for distribution of products for human consumption, such as distribution of airline food to airplanes. Although Ostro discloses food distribution, such is not utilizing schedulable timeslot segments that are allocated to an order to deliver groceries. Moreover, the airline food in Ostro is not taught or suggested to be purchased at an online grocery store. Still further, there is no motivation of record to combine Ostro with Edgar et al. or Miller as proposed by the Examiner in order to reject claims 21 and 23. In any event, although Ostro was fully distinguished on the merits above, it does not appear that Ostro is even prior art to the above-identified application under 35 USC §102(e).

Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-30 under 35 USC §103(a).

SUMMARY

It is submitted that claims 1-30 and 43-54 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment,

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the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order RLC1G000).

Respectfully submitted,

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